

**(2011) 01 KAR CK 0183**  
**In the Karnataka High Court**  
**Case No : Writ Petition No. 31099 of 2010**

H. Hanumanthappa

APPELLANT

Vs

The State of Karnataka

RESPONDENT

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**Date of Decision :** 19-01-2011

**Acts Referred:**

**Citation :** (2011) 01 KAR CK 0183

**Hon'ble Judges :** D.V. Shylendra Kumar, J

**Bench :** Single Bench

**Advocate :** Nirmala, for Mylaraiah Associates, for the Appellant; R. Om Kumar, AGA, for the Respondent

**Final Decision :** Dismissed

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## Judgement

D.V. Shylendra Kumar, J.—Repeated writ petitions at regular intervals or even after lapse of several years for the very relief i.e., issue of a writ of mandamus does not lie, if one writ of mandamus is issued by this Court but is not obeyed by the Respondents against whom the direction is issued.

2. Filing of another writ petition after a lapse of 12 years, after the direction / order is issued, is not a remedy or relief and a second writ petition for the very purpose does not lie. It is for this reason, this writ petition which is virtually one complaining that the order/direction issued by this Court in the earlier writ litigation by the very writ Petitioner as per the order dated 11.02.1999, copy produced as Annexure-A to the petition, is not obeyed and it is not open to the Petitioner to come up for the very relief this time also etc.

3. Ms. Nirmala, learned Counsel appearing for the Petitioner submits that in the interregnum the authorities under the Act/Government having reserved the subject land in respect of, which the Petitioner was seeking regularization of unauthorized occupation, is being diverted by reserving the same for formation of sites in favour of persons belonging to socially backward/weaker sections of the society etc. Therefore, the Petitioner has approached this Court seeking for

quashing of such order reserving the very land in favour of the "Ashraya Scheme"".

4. Mr. R. Om Kumar, learned AGA appearing on behalf of the Respondents, on the other hand, points out that Petitioner in the first instance has no legal right for grant of regularization of any unauthorized occupation, but even the application for regularzation cannot be considered in respect of the lands which has been earmarked for any specific purpose find the subject land having now been reserved for "Ashraya Scheme", the committee cannot consider the Petitioners grievance any more.

5. Even private lands can be acquired for a public purpose. The subject land being admittedly government land and if the government has reserved such lend for a specific purpose vis., for the formation of sites under the "Ashraya Scheme" the order cannot be per se characterized had in law. As to what rights the Petitioner has otherwise in law is not necessary to be examined in a writ petition of this nature.

6. It is open for the Petitioner to avail of the rights and remedies elsewhere in accordance with law, but this writ petition for issue of either a writ of mandamus or a writ of certiorari is not tenable. No merit and therefore, this writ petition is dismissed.